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General Assembly

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Fifty-ninth session
Third Committee
Agenda item 103
Elimination of racism and racial discrimination

Qatar:* draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 58/160 of 22 December 2003, by which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001[1] as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Recalling also its resolution 57/195 of 18 December 2002, by which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights,

Recalling further its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Endorsing Commission on Human Rights resolutions 2002/68 of 25 April 2002,[2] 2003/30 of 23 April 2003[3] and 2004/88 of 22 April 2004,[4] by which the

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the Economic and Social Council, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

04-60168 (E) 111104

international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Reaffirming its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming also that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[5] are of paramount importance for the promotion of equality and non-discrimination in the world,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Deploring the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming all the regional initiatives being undertaken to implement the Durban commitments, and in this context expressing its appreciation to the Governments of Mexico, Kenya, the Czech Republic and Belgium for hosting the regional expert seminars with a view to the implementation of the Durban Declaration and Programme of Action within their respective regions, and encouraging the remaining region to take the necessary action in this regard,

Welcoming also the determination by the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

I. Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

3. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such

[5] Resolution 2106 A (XX), annex.

motivations are considered an aggravating factor for the purposes of sentencing to prevent those crimes from going unpunished and to ensure the rule of law;

4. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

5. *Condemns* the misuse of the Internet to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action;

6. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

7. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

8. *Expresses its concern* at the increasing incidents of racism in various sporting events;

II. International Convention on the Elimination of All Forms of Racial Discrimination

9. *Endorses* the concern expressed by the Commission on Human Rights in its resolution 2004/88 to the effect that at the current pace, with 169 ratifications and only 45 declarations, the deadline of 2005 for the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination,[5] decided by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, will, regrettably, not be realized;

10. *Urges*, in that context, the Office of the United Nations High Commissioner for Human Rights to issue regular publications indicating the countries that have undertaken serious steps to comply with that important commitment by the World Conference;

11. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

12. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[6] and article 5 of the Convention;

13. *Notes* that the Committee on the Elimination of Racial Discrimination holds that the prohibition of the dissemination of ideas based on racial superiority or

[6] Resolution 217 A (III).

racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

14. *Welcomes* the emphasis placed by the Committee on the Elimination of Racial Discrimination on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

III. Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

15. *Expresses general satisfaction* with the implementation of the commitments undertaken in the Durban Declaration and Programme of Action through the two working groups established for this purpose by the Commission on Human Rights in its resolutions 2002/68 of 25 April 2002,[2] 2003/30 of 23 April 2003[3] and 2004/88 of 22 April 2004;[4]

16. *Underlines*, in that context, the importance of continuing the work of those working groups and the need for regular progress reports to the General Assembly and the Commission on Human Rights at their annual sessions;

17. *Underlines further* the importance of the elaboration of complementary standards with a view to strengthening and updating international instruments against racism, racial discrimination, xenophobia and related intolerance, including an additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination, focusing on issues discussed during the previous sessions of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, as well as issues identified by the high-level seminar to be convened during the next session of the Working Group;

18. *Decides*, in that context, to request the Office of the United Nations High Commissioner for Human Rights, in consultation with Member States, to convene a high-level seminar during the first three days of the fourth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, inviting members of the Committee on the Elimination of Racial Discrimination, to produce a conclusive list of the areas where gaps exist and for which complementary standards are necessary, as well as to present concrete proposals on the structure and format of the proposed additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination;

19. *Decides also* that the programme, structure and format of the high-level seminar should be mutually agreed among Member States, assisted by the Office of the United Nations High Commissioner for Human Rights, which could include, but would not necessarily be limited to, inviting a core group of ministers responsible for human rights from all regions as panellists to share their views on the desirability of complementary standards;

20. *Decides further* that no intersessional meetings of the working groups of the Commission on Human Rights in follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action shall be

scheduled in a manner that clashes or overlaps with the sessions of the General Assembly;

21. *Requests* the Secretary-General to present a report on the outcome of the high-level seminar to the General Assembly at its sixtieth session;

22. *Acknowledges* that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, was significantly different from the previous two such conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance, a development pointing to the existence of gaps for which complementary standards are necessary;

23. *Acknowledges further* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the central role to be played by the group of independent eminent experts in mobilizing the necessary political will required for the successful implementation of the Durban Declaration and Programme of Action;

24. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

25. *Condemns* the resurgence of xenophobia, and draws attention to the fact that, while anchoring human rights in legal instruments is a fundamental way of expressing their universality, these instruments are no longer capable of addressing recent events and developments, especially new forms of discrimination targeting specific populations, religions, cultures or ethnic groups;

26. *Condemns also* the increased racism in sports, and calls on international sports entities to take appropriate measures to eradicate it and, to that end, cooperate with the relevant human rights mechanisms, in particular the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

27. *Calls upon* Member States to adopt measures to counter the dissemination of discriminatory, racist and xenophobic messages on the Internet, in accordance with paragraphs 144 to 147 of the Durban Programme of Action;

28. *Requests*, in that context, the Office of the United Nations High Commissioner for Human Rights to convene the second meeting of the group of independent eminent experts before the sixty-first session of the Commission on Human Rights to determine a concrete programme of action for the experts, based on the core values for racial equality and dignity as elaborated in the outcome document of their first meeting, held from 16 to 18 September 2003, and that the programme of action entail, inter alia, the following:

(a) A calendar of planned visits to heads of State or Government in all regions with a view to deepening the dialogue and enhancing political will on the

global drive for the total elimination of racism, as well as securing tangible commitments for the funding of anti-racism programmes within the Office of the United Nations High Commissioner for Human Rights;

(b) The initiation of a dialogue with all Governments with the aim of introducing national forums against racism as national frameworks within which all stakeholders and victims can constructively engage and develop strategies for eliminating racism, racial discrimination, xenophobia and related intolerance;

IV. Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

29. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

30. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

31. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

32. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities;

33. *Requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

34. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

35. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

36. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

37. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixtieth session;

38. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[7] and encourages the continuation of his work;

39. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur, and invites other relevant stakeholders to implement those recommendations;

40. *Calls upon* the Special Rapporteur, in carrying out his mandate, to pay special attention to the increasing frequency of incidents of racism at various sporting events;

V. General

41. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session;

42. *Decides* to remain seized of this important matter under the item entitled "Elimination of racism and racial discrimination" at its sixtieth session.

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[7] A/59/329.

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Fifty-ninth session
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Agenda item 100
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Ghana and Romania: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2004/238 of 21 July 2004 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 23 March 2004 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General[1] and the letter dated 2 June 2004 from the Permanent Representative of Ghana to the United Nations addressed to the Secretary-General,[2]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-six to sixty-eight States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2005.

[1] E/2004/49.
[2] E/2004/76.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Afghanistan, Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zambia and Zimbabwe: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fifth session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12).
[2] Ibid., *Supplement No. 12A* (A/59/12/Add.1).

04-60614 (E) 161104

Recalling also its resolution 58/153 of 22 December 2003 on implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fifth session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the general conclusion on international protection, the conclusion on international cooperation and burden- and responsibility-sharing in mass influx situations and the conclusion on legal safety issues in the context of voluntary repatriation of refugees,[3] which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection,[4] and at assisting Governments in meeting their protection responsibilities in today's changing international environment;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees[5] and its 1967 Protocol[6] as the foundation of the international refugee protection regime, and recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-five States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. Notes that fifty-seven States are now parties to the 1954 Convention relating to the Status of Stateless Persons[7] and that twenty-nine States are parties to the 1961 Convention on the Reduction of Statelessness,[8] and encourages the High Commissioner to continue his activities on behalf of stateless persons;

5. *Notes also* that 2004 marks the twentieth anniversary of the Cartagena Declaration on Refugees and that States convened in Mexico City in November 2004 to commemorate this anniversary, recalls the contribution to refugee protection which regional approaches can make, and encourages States to strengthen further international protection of refugees in the region, in conjunction with relevant international organizations as well as representatives of civil society;

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[3] Ibid., chap. III, sects. A-C.
[4] Ibid., *Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.
[5] United Nations, *Treaty Series*, vol. 189, No. 2545.
[6] Ibid., vol. 606, No. 8791.
[7] Ibid., vol. 360, No. 5158.
[8] Ibid., vol. 989, No. 14458.

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

7. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner and in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of, and reducing the heavy burden borne by, countries that have received large numbers of refugees and asylum-seekers, including by holding international consultations aimed at developing a comprehensive plan of action, as appropriate, to respond to a specific mass influx or protracted refugee situation, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, particularly least developed countries, and countries with economies in transition;

8. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

9. *Welcomes* the progress attained so far on the High Commissioner's "Convention Plus" initiative,[9] including the development of the Multilateral Framework of Understandings on Resettlement, and encourages the High Commissioner and interested States to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions that give due regard to the importance of both protection and, where possible, refugee self-reliance;

10. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with refugee-hosting countries and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and of other programming tools to facilitate the transition from relief to development;

11. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High

[9] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* (A/58/12), para. 24.

Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

12. *Recognizes* the desirability that countries of origin, in cooperation with the Office of the High Commissioner, other States and other concerned actors, as necessary and appropriate, address, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, bearing in mind that some legal safety or administrative issues may be addressed only over time and that voluntary repatriation can and does take place without all legal and administrative issues having first been resolved;

13. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

14. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, deplores, in particular, the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue these efforts in consultation with States and other relevant actors;

15. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute[10] and by subsequent General Assembly resolutions concerning refugees and other persons of concern, recalls its resolutions 58/153 and 58/270 of 23 December 2003 concerning the implementation of paragraph 20 of the Office's statute, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

16. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixtieth session.

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[10] Resolution 428 (V), annex.